

REMARKS

Claims 1-6 and 16-27 are pending. By this Amendment, claims 1 and 16 are amended, and no claims are canceled or added.

Claims 1 and 16 are amended to recite that the user profile comprises information about the at least one telecommunications terminal of the user, the information including a capacity of the at least one telecommunications terminal, in combination with the other elements of each claim. Support for the amendments can be found throughout the specification and drawings as filed, for example at page 11, lines 5-14. Therefore, no new matter has been added.

**Response to Rejections Under 35 U.S.C. §§ 102 & 103**

Claims 1, 3-5, 16-18, 22 and 23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by RFC 2778, "A Model for Presence and Instant Messaging," February 2000, by Day et al. ("Day"). Claims 2, 6 and 19-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Day. Claims 24-27 stand rejected under § 103(a) as being unpatentable over Day in view of U.S. Patent Application Pub. No. 2002/0085701 to Parsons et al. ("Parsons"). The rejections are respectfully traversed, including in so far as they may apply to the amended claims.

Amended claims 1 and 16 now recite that the user profile comprises information about the at least one telecommunications terminal of the user, the information including a capacity of the at least one telecommunications terminal, in combination with the other elements recited in each claim. Such a user profile including information about the capacity of the at least one telecommunications terminal is not disclosed or suggested by the cited references, alone or when

combined as suggested in the Office Action. Neither Day nor Parsons mentions or even suggests information about a telecommunication terminal of a user, the information including a capacity of the terminal.

Therefore, claims 1 and 16 are allowable. Claims 2-6 and 17-27 ultimately depend from one of claims 1 or 16 and are therefore also now allowable, the rejections of claims 2-6 and 17-27 being traversed but not expressly argued herein in view of the allowability of the underlying base claims.

### **Conclusion**

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



Amy M. Salmela  
Registration No. 55,910

Customer No. 24113  
Patterson Thuent Christensen Pedersen, P.A.  
4800 IDS Center  
80 South 8th Street  
Minneapolis, Minnesota 55402-2100  
Telephone: 612.252.1538